

Crl. Misc. Case No.39/2023

Present : Mr. Rashid Alam.

Sessions Judge, Malda.

Order No.02 dated 20.01.2023

The application for anticipatory bail under section 438 Cr.P.C filed on behalf of present petitioners namely; Sarjen Ali, Tasriful Hoque, Khateja Bibi, Reshma Bibi, Ajmeri Khatun in connection with Harishchandrapur P.S. Case No.1160/2022 dated 30.12.2022 Under Section 498(A)/324/325/307/34 of I.P.C. read with Section 3/4 of D.P.Act is taken up for hearing.

Ld. Lawyer for the petitioners submits that no petition is pending or preferred before any Superior Court in connection with this case and Ld.P.P also concedes the same.

Heard the learned Advocate for the present petitioners who submits that being the husband and in-laws of the victim, his clients have been falsely implicated in this case and no such incident took place as alleged. So, he prays for their enlargement on anticipatory bail under any terms and conditions.

Ld. P.P. Malda raised objection against the anticipatory bail prayer of the present petitioners.

Perused the materials on record including the case diary.

Considering the fact that the present petitioner no.1 is the husband of the victim and there are incriminating materials in the case diary against him, this Court is unable to grant anticipatory bail in his favour. Hence, the prayer for anticipatory bail of the present petitioner no.1 namely **Sarjen Ali** stands **rejected**.

At the same time considering the fact that the present petitioners no. 2, 3, 4 and 5 are the in-laws of the victim having general allegation in the case diary against them, this Court is of the opinion that they may be enlarged on anticipatory bail. Hence, the prayer for anticipatory bail in respect of present petitioners no. 2, 3, 4 and 5 is allowed.

Hence, it is

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that in the event of arrest the present petitioners no. 2, 3, 4 and 5 namely; Tasriful Hoque, Khateja Bibi, Reshma Bibi and Ajmeri Khatun shall be released on bail on furnishing bond of Rs.3,000/-each with two registered sureties of Rs.1,500/-each, subject to the satisfaction of the Arresting Officer. If on bail they will comply the provisions under section 438(2) CrPC.

Let the LCR along with a copy of this order be sent back to the Learned Court below at once. CD be returned. This Criminal Misc. Case is thus disposed of.

Dictated & Corrected by me,

Sessions Judge, Malda.

Sessions Judge, Malda.